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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/939,955	08/27/2001	Kazuyoshi Tanaka	14886	5430
23389	7590	03/23/2006	EXAMINER	
SCULLY SCOTT MURPHY & PRESSER, PC 400 GARDEN CITY PLAZA SUITE 300 GARDEN CITY, NY 11530				LASTRA, DANIEL
ART UNIT		PAPER NUMBER		
		3622		

DATE MAILED: 03/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/939,955	TANAKA, KAZUYOSHI	
	<b>Examiner</b>	<b>Art Unit</b>	
	DANIEL LASTRA	3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 01 September 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-31 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____ .  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>09/01/04; 10/02/04; 6/13/04</u> | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____ .                                  |

## DETAILED ACTION

1. Claims 1-31 have been examined. Application 09/939,955 (**DIGITAL CONTENT CREATOR/REPRODUCER AND ADVERTISEMENT DISTRIBUTION SYSTEM**) has a filing date 08/27/2001 and foreign data 08/29/2000.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 21 recites the limitation "said advertisement information" in line 5. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Rhoads (US 6,614,914).

As per claims 1, 5 and 17, Rhoads teaches:

A digital content creator for inserting electronic watermarked data into a digital content, said electronic watermarked data in which a URL (Uniform Resource Locator)

of a Web site providing advertisement information is described (see column 41, lines 15-25; column 39, lines 60-67).

As per claims 2, 6 and 18, Rhoads teaches:

The digital content creator defined in claim 1, wherein said digital content comprises an advertisement image (see column 40, lines 7-25).

As per claim 13, Rhoads teaches:

An advertisement information distribution system comprising:

a communication line (see column 41, lines 15-40);

a digital content reproducer and an advertisement site which are interconnected to said communication line (see column 41, lines 15-40); and

a digital content creator (see column 37, lines 55-67);

said digital content creator having means for inserting electronic watermarked data into a digital content (see column 37, lines 35-67);

said digital content reproducer having means for detecting electronic watermarked data from a digital content into which electronic watermarked data is inserted (see column 40, lines 7-35); means for reading out advertisement information from an advertisement site specified by a value of electronic watermarked data through said communication line; means for reproducing digital contents (see column 40, lines 7-35; column 41, lines 15-40); and

means for displaying a reproduced digital content and said advertisement information (see column 41, lines 15-40);

said advertisement site having means for distributing goods or services (see column 41, lines 15-40).

As per claim 14, Rhoads teaches:

The advertisement information distribution system defined in Claim 13, wherein said communication line comprises the Internet (see column 41, lines 15-40).

As per claim 15, Rhoads teaches:

The advertisement information distribution system defined in Claim 14, wherein a URL of a Web site supplying advertisement information is described to said electronic watermarked data (see column 39, lines 55-67).

As per claim 16, Rhoads teaches:

The advertisement information distribution system defined in Claim 13, wherein said digital content comprises an advertisement image (see column 40, lines 7-25).

As per claims 3, 7 and 19, Rhoads teaches:

A digital content creation method comprising the steps of:  
creating a DCT coefficient by subjecting a digital content to discrete cosine conversion (see column 10, lines 17-45); and

inserting electronic watermarked data into said DCT coefficient (see column 10, lines 17-45);

said electronic watermarked data in which a URL of a Web site supplying advertisement information is described (see column 39, lines 60-67).

As per claims 4, 8 and 20, Rhoads teaches:

The digital content creation method defined in Claim 19, wherein said digital content comprises an advertisement image (see column 40, lines 7-25).

As per claims 9 and 21, Rhoads teaches:

A digital content reproduction method, wherein electronic watermarked data inserted into a digital content is detected and said digital content is manifested on a display, comprising the steps of:

receiving said advertisement information by accessing a Web site supplying advertisement information based on a value of said electronic watermarked data and manifesting said advertisement information on said display (see column 41, lines 15-40).

As per claims 10 and 22, Rhoads teaches:

The digital content reproduction method defined in Claim 21, wherein said digital content comprises an advertisement image (see column 40, lines 7-25).

As per claims 11 and 23, Rhoads teaches:

A digital content reproduction method comprising the steps of extracting a DCT coefficient from a digital content into which electronic watermarked data is inserted (see column 10, lines 17-45);

detecting said electronic watermarked data inserted into said DCT coefficient (see column 10, lines 17-45);

subjecting said DCT coefficient to inverse discrete cosine conversion and then reproducing said digital content (see column 10, lines 17-45);

displaying said reproduced digital content (see column 10, lines 45-55);

receiving said advertisement information by accessing a Web site supplying advertisement information based on a value of said electronic watermarked data and displaying said advertisement information (see column 41, lines 15-40).

As per claims 12 and 24, Rhoads teaches:

The digital content reproduction method defined in Claim 23, wherein said digital content comprises an advertisement image (see column 40, lines 9-25).

As per claim 25, Rhoads teaches:

An advertisement information distribution method comprising the steps of: inserting electronic watermarked data into a digital content (see column 39, lines 60-67);

outputting the digital content into which said electronic watermarked data is inserted (see column 40, lines 9-30);

extracting electronic watermarked data from the digital content into which said electronic watermarked data is inserted (see column 40, lines 7-27);

reading out the advertisement information from a Web site specified by a value of said electronic watermarked data (see column 41, lines 15-40); and

displaying said digital content and said advertisement information (see column 41, lines 15-40).

As per claim 26, Rhoads teaches:

The advertisement information distribution method defined in Claim 25, wherein a URL of said Web site supplying advertisement information is described to said electronic watermarked data (see column 41, lines 15-45).

As per claim 27, Rhoads teaches:

The advertisement information distribution method defined in Claim 25, wherein said digital content comprises an advertisement image (see column 40, lines 7-25).

As per claim 28, Rhoads teaches:

A computer readable recording medium on which a program is recorded, said program making a computer execute the step of creating a DCT coefficient by discrete-cosine converting a digital content and the step of inserting electronic watermarked data into said DCT coefficient (see column 10, lines 17-45);

an URL of a Web site supplying advertisement information being described to said electronic watermarked data (see column 41, lines 15-40).

As per claim 29, Rhoads teaches:

The recording medium defined in Claim 28, wherein said digital content comprises an advertisement image (see column 40, lines 9-25).

As per claim 30, Rhoads teaches:

A computer readable recording medium on which a program is recorded, said program making a computer execute the step of extracting a DCT coefficient from a digital content into which electronic watermarked data is inserted, the step of detecting said electronic watermarked data inserted into said DCT coefficient, the step of inverse-discrete cosine converting said DCT coefficient to reproduce a digital content (see column 10, lines 17-45), and the step of displaying the reproduced digital content, said computer storing a program for executing the steps of receiving said advertisement

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information by accessing the web site based on a value of said electronic watermarked data and displaying said advertisement information (see column 41, lines 15-40).

As per claim 31, Rhoads teaches:

The recording medium defined in Claim 30, wherein said digital content comprises an advertisement image (see column 40, lines 7-25).

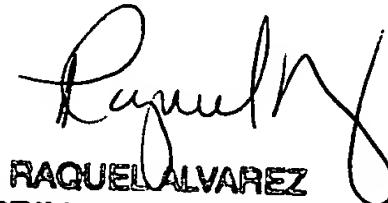
***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Rhoads (US 6,553,129) teaches a computer system linked by using information in data objects.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 571-272-6720 and fax 571-273-6720. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ERIC W. STAMBER can be reached on 571-272-6724. The official Fax number is 571-273-8300.



RAQUEL ALVAREZ  
PRIMARY EXAMINER

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DL

Daniel Lastra  
March 11, 2006